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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
RONALD LIPTON and BRETT LIPTON,

Plaintiffs,

-against-

00 Civ. 319(LEK) (RWS)

JOHN WOOTON, KEVIN LANE, EDWIN BREWSTER, THE TOWN OF
WOODSTOCK, TOWN OF SAUGERTIES, GREG HULBERT, CHIEF
OF THE TOWN OF SAUGERTIES POLICE DEPARTMENT and JOHN
DOE, AN UNIDENTIFIED TOWN OF SAUGERTIES POLICE OFFICER,

Defendants.
-----X

EXAMINATION BEFORE TRIAL

of the Defendant, GREGORY HULBERT, held on October 15th,
2002, commencing at 1:10 p.m., at the offices of Valley
Reporting Service, 115 Green Street, Kingston, New York,
before Kimberly Burke, a Shorthand Reporter and Notary
Public in and for the State of New York.

* * * * *

VALLEY REPORTING SERVICE
115 Green Street
Kingston, New York 12401
(845) 331-4020

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20 A L S O P R E S E N T:

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RONALD LIPTON
BRETT LIPTON
KEVIN LANE
EDWIN BREWSTER
JOHN WOOTON

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by
and between the counsel for the respective parties
hereto that all rights provided by the C.P.L.R.,
including the right to object to any question,
except as to the form, or to move to strike any
testimony at this examination, are reserved; and,
in addition, the failure to object to any question
or to move to strike testimony at this examination
shall not be a bar or waiver to make such a motion
at, and is reserved for, the trial of this action.

IT IS FURTHER STIPULATED AND AGREED that this
examination may be signed and sworn to by the
witness being examined, before a Notary Public
other than the Notary Public before whom this
examination was begun, but the failure to do so,
or to return the original of this examination to
counsel, shall not be deemed a waiver of rights
provided by Rules 3116 and 3117 of the C.P.L.R.,
and shall be controlled thereby.

IT IS FURTHER STIPULATED AND AGREED that
the filing of the original of this examination
shall be and the same is hereby waived.

1

2

GREGORY HULBERT,

3

having been first duly sworn by the Notary Public,

4

was examined and testified as follows:

5

* * * * *

6

EXAMINATION BY MR. ISSEKS:

7

Q. Mr. Hulbert, how are you employed?

8

A. I'm the chief of the Saugerties Police Department.

9

Q. How long have you been chief?

10

A. About twelve years.

11

Q. Did there come a time when you met Ronald Lipton,

12

the plaintiff in this case?

13

A. Yes.

14

Q. When did you meet him?

15

A. February 14th, 1999.

16

Q. Did you meet his son Brett Lipton that day as

17

well?

18

A. No.

19

Q. You did not?

20

A. No, I did not.

21

Q. Did you see Brett Lipton on February 14th, 1999?

22

A. No, I did not.

23

Q. Had you had any communication from Ronald Lipton

24

prior to February 14th, 1999?

25

A. No.

1 GREGORY HULBERT

2 Q. Did you ever receive a fax from Mr. Lipton prior
3 to February 14th?

4 A. Yes, prior to.

5 Q. Prior to February 14th?

6 A. I did, but I found it later.

7 Q. The fax that you found later, to whom was that fax
8 addressed?

9 A. I don't remember. I think it was to me.

10 Q. Did it arrive at the Saugerties Police Department?

11 A. Yes.

12 Q. Or the police station, I should say.

13 A. Yes.

14 Q. Do you know the date of that fax? That is, when
15 it was transmitted to the Saugerties police
16 station.

17 A. Not offhand, no.

18 Q. But it was on a date prior to February 14th?

19 A. Yes.

20 Q. Was it within the week prior to February 14th,
21 1999 that that fax was transmitted to the police
22 station?

23 A. I believe so.

24 Q. I'm going to show you the Defendants' Response to
25 the Plaintiffs' Demand for Production directed to

1 GREGORY HULBERT

2 the Town of Saugerties. Mr. D'Amelia's firm
3 provided it to plaintiffs' counsel.

4 I'm going to direct your attention to a
5 two-page document dated February 12th, 1999 which
6 is entitled "Facsimile Cover Page" and ask you if
7 this is the fax or a copy of the fax that you are
8 discussing at this time?

9 A. Yes.

10 Q. And the date, February 12th, 1999, that's on that
11 document, does that refresh your recollection as
12 to when the document was transmitted to the

1 GREGORY HULBERT

2 Q. I'm going to ask you to look at the Saugerties
3 Defendants' Response to Plaintiffs' Demand for
4 Production to see if you can identify any document
5 in there which is a copy of the fax that you're
6 referring to that came in after February 14th.

7 A. Okay (witness complying). Yes, there is.

8 Q. Does that document also have on top of it
9 "Facsimile Cover Sheet"?

10 A. Yes.

11 Q. Is there a date on it?

12 A. Yes.

13 Q. What is the date?

14 A. July 23rd, 1999.

15 Q. Other than those two faxes that you have
16 identified that are part of the defendants'
17 production of documents, were there any other
18 written communications from either Ron or Brett
19 Lipton to yourself or the Saugerties Police
20 Department that you're aware of?

21 A. Not that I know of.

22 Q. Did you receive any oral communication from either
23 Ron or Brett Lipton prior to February 14th, 1999?

24 A. No.

25 Q. Were you ever made aware that anyone from the

1 GREGORY HULBERT

2 Saugerties Police Department received such
3 communications from the Liptons prior to February
4 14th, 1999?

5 A. No.

6 Q. Before February 14th, 1999 and specifically before
7 the time that you met Ron Lipton on that date, had
8 you received any information from any police
9 agency?

10 A. Did I?

11 Q. As to Ron or Brett Lipton.

12 A. No.

13 Q. Did anyone from the Saugerties Police Department
14 receive any information about Ron or Brett Lipton
15 from any police agency prior to your meeting Ron
16 Lipton on the 14th?

17 A. As of the 14th I didn't know that, but I do now.

18 Q. That someone in Saugerties had received
19 information about the Liptons from another police
20 agency?

21 A. Yes.

22 Q. Who was it that received the information?

23 A. I don't know.

24 Q. When did you learn that such information had been
25 provided to Saugerties before you met Ron Lipton?

1 GREGORY HULBERT

2 A. I don't know.

3 Q. You don't know who gave you the information?

4 A. No.

5 Q. What is it that you learned about information
6 being transmitted or communicated to Saugerties
7 regarding either Ron or Brett Lipton coming into
8 the station before you met Ron on the 14th?

9 A. Just that there was a piece of paper with red
10 magic marker that said "All read, police
11 information" and this was some information behind
12 that (indicating).

13 Q. I'm going to again show you the Saugerties
14 Defendants' Response to Plaintiffs' Demand for
15 Production of Documents and ask you if you can
16 identify the document that has the magic marker
17 writing on it and also the document that came with
18 it that you just referred to.

19 MR. POSNER: After identifying it,
20 can you have these pieces of paper individually
21 marked.

22 MR. ISSEKS: They're all self-
23 explanatory.

24 MR. POSNER: Or identified very
25 clearly.

1 GREGORY HULBERT

2 MR. ISSEKS: So far they have been.

3 MR. POSNER: So far they have been.

4 Keep up the good work.

5 MR. ISSEKS: Perhaps we should have
6 the response marked for identification so that its
7 integrity is intact as Plaintiffs' Exhibit 2, if
8 you would like to do that.

9 MR. POSNER: That sounds like a very
10 good housekeeping idea.

11

12 (Plaintiffs' Exhibit 2: DEFENDANTS'
13 RESPONSE TO PLAINTIFFS' DEMAND FOR
14 DOCUMENT PRODUCTION, marked for
15 identification)

16

17 Q. Could you read the document that has the red magic
18 marker into the record so that it's identified?

19 A. (Reading) "All patrols please read, police info
20 only 2/6/99."

21 Q. How about the document that accompanied that?

22 A. This is daily log data entry screen from our
23 computer system.

24 Q. And the information that accompanied it is one
25 page?

1 GREGORY HULBERT

2 A. It's two pages.

3 Q. What is the date of the data entry screen?

4 A. 2/6/99.

5 Q. Just so the record is clear, at the bottom of the
6 first page is a narrative screen which reads as
7 follows: "Subject is concerned for her safety.
8 She recently left her boyfriend, Ron Lipton, who
9 has made threats toward her. Subject is sister of
10 Jim Wrolsen, part-time officer, 108", 170 pounds,
11 reddish brown hair, beard, mustache."

12 On the second page, the typewritten portion
13 ends with the sentence: "The above information
14 came from trooper's interview of Ms. Wrolsen,
15 ex-girlfriend of Lipton."

16 Other than those documents, was there any
17 other communication that your officer received --
18 or I should say that the police department
19 received concerning Ron Lipton or Brett Lipton
20 prior to February 14th, 1999?

21 A. Not to my knowledge.

22 Q. Now, the documents that we have just identified
23 dated February 6th, 1999 with the attachment, you
24 were not aware of them on February 14th, 1999?

25 A. No, I was not.

1 GREGORY HULBERT

2 Q. So is it correct then when you met Ron Lipton that
3 you had never heard of him before?

4 A. That's correct.

5 Q. Where did you meet Ron Lipton on February 14th,
6 1999?

7 A. At my office.

8 Q. That's the police station?

9 A. Yes.

10 Q. When you met Ron Lipton, was anyone else present?

11 A. Not during my conversation with him, no.

12 Q. How many conversations did you have with him on
13 February 14th?

14 A. We conversed quite a bit, probably for about half
15 an hour.

16 Q. Was it one continuous conversation that you had
17 that lasted approximately a half an hour?

18 A. Basically, yes.

19 Q. During that approximate half-hour meeting, was
20 anyone else a participant in your conversation?

21 A. No.

22 Q. Did anyone else, to your knowledge, overhear the
23 conversation that you had with Mr. Lipton?

24 A. Not to my knowledge.

25 Q. Was your conversation or any part thereof on

1 GREGORY HULBERT

2 February 14th with Mr. Lipton recorded?

3 A. No, not to my knowledge.

4 Q. What time of day was it that Mr. Lipton met you?

5 A. Off the top of my head, probably around 2:00 in
6 the afternoon. I can't remember exactly what time
7 it was.

8 Q. When you first met Mr. Lipton, was it inside your
9 office or somewhere else?

10 A. Inside my office.

11 Q. Was he escorted in there?

12 A. I believe so.

13 Q. By whom?

14 A. Sergeant Tucker.

15 Q. Were you informed of Mr. Lipton's presence in the
16 police station before he was escorted into your
17 office?

18 A. I asked if he was there, because I was supposed to
19 meet him there.

20 Q. So the meeting that you had with Mr. Lipton was
21 prearranged?

22 A. That afternoon.

23 Q. Who prearranged it?

24 A. Mr. Lipton and I.

25 Q. How did you do that; over the phone?

1 GREGORY HULBERT

2 A. He called my house.

3 Q. What time did he call your house?

4 A. Shortly before that. I don't know exactly when.

5 Q. Was that the first time that you ever spoke to him?

6 A. Yes.

7 Q. Had you been expecting a call from him?

8 A. No.

9 Q. What was it that Mr. Lipton said to you and you
10 said to him on the phone?

11 A. He said that he was a retired police officer out
12 of New York City and he would like to meet with me
13 concerning a very important issue and asked if I
14 would be able to meet him in the office.
15 Basically that was the gist of the conversation.
16 I don't know if it's the whole thing.

17 Q. Did you agree to meet with him in your office?

18 A. I said yes.

19 Q. Did he tell you anything about any member of the
20 Wrolsen family in that phone conversation?

21 A. I don't remember.

22 Q. Did he tell you anything regarding any
23 relationship with a woman that he had?

24 A. He may have; that may have been what prompted me
25 to come in. I don't remember.

1 GREGORY HULBERT

2 Q. You agreed to meet with him, and shortly
3 thereafter you met him in the station?

4 A. Yes.

5 Q. When he was escorted into your office, did
6 Sergeant Tucker say anything to you?

7 A. I don't think so.

8 Q. Did Sergeant Tucker leave the office after he
9 escorted Mr. Lipton?

10 A. Yes.

11 Q. What happened then? What did Mr. Lipton say to
12 you and what did you say to him; if anything?

13 A. He wanted me to listen to some tapes and he had an
14 envelope to give me.

15 Q. What was in the envelope?

16 A. I don't know.

17 Q. You didn't look at it?

18 A. I looked at the envelope, but I don't know what
19 was in it.

20 Q. You didn't examine the contents?

21 A. No.

22 Q. Did Mr. Lipton tell you what was in the envelope?

23 A. I believe he told me it was a letter to his
24 girlfriend.

25 Q. Did he ask you to look at it?

1 GREGORY HULBERT

2 A. I'm sorry?

3 Q. Did he ask you to look at the letter to his
4 girlfriend?

5 A. I don't remember.

6 Q. Did you make a decision at that time not to look
7 at the letter?

8 A. I believe so.

9 Q. Why did you reach that decision?

10 A. I felt it was confidential. He may have asked me
11 not to, I don't remember.

12 Q. Did you listen to the tapes that he had?

13 A. I listened to one tape.

14 Q. How long approximately was that tape that you
15 listened to?

16 A. We listened to it for quite awhile, I don't know,
17 ten minutes maybe.

18 Q. And that was while the two of you were in your
19 office for that approximate one-half hour period?

20 A. That's correct.

21 Q. The tape recording that you listened to was a
22 recording of what?

23 A. Of a male and female. I believe it was Mr.
24 Wrolsen, and I was told by Mr. Lipton that it was
25 Paula Wrolsen.

1 GREGORY HULBERT

2 Q. Was the recording of a conversation over the
3 telephone?

4 A. I don't know where it was recorded.

5 Q. Do you recall, as you sit here today, anything
6 that was said between those two parties; the
7 person who you understood to be Paula Wrolsen and
8 Mr. Wrolsen?

9 A. There was a lot of bashing of Jews; I guess the
10 father wanted the girl to stay away from him.

11 Q. "Him" being Mr. Lipton?

12 A. Mr. Lipton. I don't know if he mentioned his
13 name; it may have been Ron on the tape. I don't
14 remember now the whole conversation. I know that
15 he was -- Mr. Lipton was very concerned about the
16 contents of that tape.

17 Q. Was Mr. Lipton concerned about the anti-Semitic
18 remarks that were made on the tape?

19 A. Yes.

20 Q. And it was your understanding that the male who
21 was speaking on the tape was Paula Wrolsen's
22 father?

23 A. I believe it was.

24 Q. Had you ever met Paula Wrolsen's father before
25 February 14th, 1999?

1 GREGORY HULBERT

2 A. Sure, yes.

3 Q. Was he a social acquaintance of yours?

4 A. No.

5 Q. When you say "sure," on how many occasions had you
6 met Mr. Wrolsen, Paula Wrolsen's father, before
7 February 14th?

8 A. Maybe twice.

9 Q. Under what circumstances?

10 A. I believe I was there at his house for a complaint
11 once when I was on the road, and I don't remember
12 the other time.

13 Q. The bashing of Jews that you referred to, was that
14 by Mr. Wrolsen to Paula Wrolsen, or was Paula
15 Wrolsen also engaged in the bashing of Jews as you
16 described it?

17 A. I think it was Mr. Wrolsen talking, bashing the
18 Jews.

19 Q. When you listened to the tape, was that early on
20 in that approximate half-hour meeting or in the
21 middle or towards the end?

22 A. In the beginning; he set it up.

23 Q. Did you have an understanding, at the time that
24 you were listening to the tape recording, of why
25 it was that Mr. Lipton wanted you to hear it?

1 GREGORY HULBERT

2 A. He thought he had a civil case in court, and he
3 wanted to just see his girlfriend or he would use
4 that tape.

5 Q. Did he explain to you, either in the telephone
6 conversation before your meeting or during your
7 meeting, why he wanted to speak with you and why
8 he wanted you to hear the tape?

9 A. I don't remember.

10 Q. Did Mr. Lipton explain to you at any time in your
11 phone conversation or your meeting that he was
12 requesting the aid of the Saugerties Police
13 Department in his efforts to communicate with
14 Paula Wrolsen?

15 A. I believe he wanted to talk to her that day.

16 Q. What role, if any, did Mr. Lipton explain he
17 believed you or the Saugerties police could have
18 in his efforts to communicate with Paula Wrolsen?

19 A. To call a state trooper.

20 Q. For what reason; did he explain?

21 A. He said the state trooper has some information and
22 that it would be of some help to me, and that's
23 about all I can remember.

24 Q. What do you remember as you sit here today
25 concerning the substance of your conversation with

1 GREGORY HULBERT

2 Mr. Lipton after you listened to the tape
3 recording?

4 A. I told him that I don't believe he's got a civil
5 case, because it's a father and daughter talking
6 to one another and I didn't think he had a civil
7 case, but that was up to him to pursue.

8 Q. Did you and he discuss anything other than that
9 for the remainder of your meeting?

10 A. He just asked me to make sure that Paula got the
11 letter that was in the envelope.

12 Q. Did Mr. Lipton ask you to have the letter
13 delivered to Paula Wrolsen?

14 A. I believe so.

15 Q. Was anything else discussed?

16 A. He just asked me to call that state trooper.

17 Q. Did Mr. Lipton, before leaving the police station,
18 tell you where he was going to go from there?

19 A. He may have said he was going out looking for her,
20 I don't remember for sure.

21 Q. When Mr. Lipton left the police station, were you
22 still in your office?

23 A. I believe I walked him out to the dispatch area.

24 Q. Did you leave the building with him?

25 A. No.

1 GREGORY HULBERT

2 Q. When you went out to the dispatch area, did you
3 have any further conversations with him?

4 A. No.

5 Q. Did you see Brett Lipton there?

6 A. No.

7 Q. Did you ever see Brett Lipton before today?

8 A. No.

9 Q. Did you ever communicate with Brett Lipton before
10 today?

11 A. No.

12 Q. After Mr. Lipton left what, if anything, did you
13 do with respect to Mr. Lipton and the meeting you
14 had with him?

15 A. I went back and turned off the lights in my office
16 and I left about five minutes later.

17 Q. Did you communicate with anyone at the police
18 station concerning the substance of your
19 conversation with Mr. Lipton?

20 A. I don't believe so.

21 Q. Did you make any notes or memoranda or any kind of
22 recording regarding the context of your
23 conversation with Mr. Lipton?

24 A. No.

25 Q. How about the fact that you met with Mr. Lipton;

1 GREGORY HULBERT

2 did you record that anywhere either in writing or
3 some other way?

4 A. No.

5 Q. While you were with Mr. Lipton on the 14th or in
6 your phone conversation that preceded your
7 meeting, did Mr. Lipton say anything to you
8 regarding James Wrolsen?

9 A. No.

10 Q. Did the name James Wrolsen come up at all in the
11 conversation that you had with Mr. Lipton on the
12 14th?

13 A. I don't remember. It may have come up around the
14 time of the tape or shortly thereafter, but I
15 didn't think anything of it.

16 Q. James Wrolsen is deceased; is that correct?

17 A. That's correct.

18 Q. Was he a police officer for the Town of Saugerties
19 Police Department?

20 A. Yes.

21 Q. What was his rank?

22 A. Patrolman.

23 Q. When did he become a patrolman for the Saugerties
24 PD?

25 A. I don't remember.

1 GREGORY HULBERT

2 Q. Was he a patrolman for Saugerties up to the date
3 of his death?

4 A. No, he wasn't.

5 Q. Do you recall the date of his death?

6 A. No, I don't.

7 Q. Did he leave the Saugerties Police Department of
8 his own choice or for some other reason?

9 A. His own choice.

10 Q. Do you recall how long after February 14th, 1999
11 that Jim Wrolsen left the police department?

12 A. Could you repeat that?

13 Q. Approximately how much time was it from February
14 14th, 1999 that Jim Wrolsen left the Saugerties
15 Police Department?

16 A. I don't remember. I would have to look at his
17 resignation.

18 Q. Do you recall if it was more or less than a month?

19 A. I couldn't tell you.

20 Q. Do you know whether or not Jim Wrolsen was a
21 member of the Ku Klux Klan?

22 A. No.

23 Q. You don't recall?

24 A. I don't know.

25 Q. Did you ever receive any information from anyone

1 GREGORY HULBERT

2 that Jim Wrolsen was a member of the Ku Klux Klan?

3 A. No.

4 Q. I'm going to show you the Saugerties Defendants'
5 Response to Plaintiffs' Demand for Production of
6 Documents and direct your attention to a
7 handwritten note dated February 20th, 1999 and a
8 signature that appears to be James S. Wrolsen on
9 the bottom. I'm going to ask you if you have ever
10 seen that document before?

11 A. Yes.

12 Q. What do you recognize it to be?

13 A. His resignation from the police department.

14 Q. "His" being James Wrolsen?

15 A. James Wrolsen's resignation.

16 Q. Does the date on that document, February 20th,
17 1999, refresh your recollection as to when James
18 Wrolsen left the Saugerties Police Department?

19 A. It does, yes.

20 Q. Do you recall the circumstances surrounding his
21 leaving the police department?

22 A. He told me that he got hired by New York State
23 Environmental Conservation and they wouldn't let
24 him hold two badges, so he had to relinquish his
25 PD badge.

1 GREGORY HULBERT

2 Q. Had you had any prior knowledge that he was
3 interested in going to a different law enforcement
4 agency?

5 A. Yes.

6 Q. When did you first learn of that?

7 A. I don't know, it had been quite awhile.

8 Q. After you left the police station and went home,
9 did you do anything on February 14th, 1999 with
10 respect to the conversations that you had with Ron
11 Lipton that day?

12 MR. POSNER: Do you understand the
13 question?

14 THE WITNESS: I think he wants to
15 know whether I did anything about the
16 conversation.

17 A. I didn't write anything down, but I may have made
18 a phone call to somebody after I got a call that
19 Mr. Lipton wanted to talk to me.

20 Q. Did you contact anyone from the Wrolsen family on
21 February 14th, 1999 after you spoke with Ron
22 Lipton?

23 A. No.

24 Q. Do you know if anyone from the Saugerties Police
25 station contacted anyone from the Wrolsen family

1 GREGORY HULBERT

2 after your meeting with Ron Lipton?

3 A. No, not that I know of.

4 Q. Did you inform anyone in the Saugerties Police

5 Department about the substance of your

6 conversation with Ron Lipton on February 14th?

7 A. Only that I may have had a conversation with him

8 and that I may have told him to stay away from

9 there until I got a chance to talk to the state

10 trooper that Monday, but that's about all I

11 remember of it.

12 Q. When you say "I may have told him to stay away

13 from there," who are you referring to?

14 A. Mr. Lipton.

15 Q. That would be during that meeting that you had

16 with him in your office?

17 A. Yes.

18 Q. Do you know whether or not you told him that?

19 A. It seems to me like I did, but it's vague.

20 Q. Do you have any recollection as to why you would

21 have told him that?

22 A. Because of the anti-Semitic remarks on the tape.

23 Q. What was it about the anti-Semitic remarks on the

24 tape that caused to you advise Mr. Lipton that he

25 ought not go to the Wrolsen residence?

1 GREGORY HULBERT

2 A. From Mr. Wrolsen's comments that he doesn't want
3 him anywhere around him or his daughter.

4 Q. Did there come a time after you got home that you
5 received a telephone call concerning Mr. Lipton?

6 A. Yes.

7 Q. From whom?

8 A. I believe it was Sergeant Kohler.

9 Q. About what time was that?

10 A. I don't remember.

11 Q. Was it within an hour of you leaving your meeting
12 with Mr. Lipton?

13 A. It could be two hours, I don't remember.

14 Q. What did Sergeant Kohler say to you?

15 A. He said that Mr. Lipton was arrested for trespass
16 at the Wrolsens; he was up at Wrolsens. And I
17 guess he was already in custody or had been talked
18 to and he wanted to talk to me again. And I said,
19 I didn't want to talk to him; "I told him to stay
20 away from there."

21 Q. So when Sergeant Kohler called you, you were at
22 your house?

23 A. Yes.

24 Q. And it was your understanding when Sergeant Kohler
25 called you, based upon what Sergeant Kohler said,

1 GREGORY HULBERT

2 that Mr. Lipton was already in custody?

3 A. It seemed to me like that, yes.

4 Q. Did Sergeant Kohler tell you what Mr. Lipton was
5 in custody for?

6 A. Something to do with the trespass and a sawed-off
7 shotgun.

8 Q. Between the meeting with Mr. Lipton and the call
9 from Sergeant Kohler, did you have any
10 communication with Mr. Lipton?

11 A. No.

12 Q. Did you have any communication with any human
13 being concerning Mr. Lipton during that time
14 period?

15 A. No. I do remember having a conversation, but I
16 don't remember with who, as to what he was being
17 charged with and how they determined whether it
18 was a trespass or not. It may have been a
19 dispatcher. I was concerned that it may not have
20 been a trespass, depending on whether he was told
21 to stay away from the place or not earlier on by
22 the Wrolsens.

23 Q. This conversation that you're referring to took
24 place before the conversation with Sergeant
25 Kohler; correct?

1 GREGORY HULBERT

2 A. I believe so, yes.

3 Q. Was that conversation you're referring to over the
4 telephone?

5 A. Yes, it was over the telephone.

6 Q. Where were you at the time?

7 A. Home.

8 Q. And you don't recall who it was that spoke with
9 you?

10 A. No, I don't.

11 Q. Do you know whether or not it was someone from the
12 Saugerties Police Department?

13 A. It was somebody from the Saugerties Police
14 Department.

15 Q. Okay. What information were you provided with
16 about the conduct alleged to have been a trespass?

17 A. That Mr. Lipton went up there, went into the
18 driveway, turned around and left.

19 Q. Were you told how long Mr. Lipton was in the
20 driveway?

21 A. No.

22 Q. Were you told how far he went into the driveway?

23 A. No.

24 Q. And you said that you had a concern as to whether
25 that conduct constituted a trespass?

1 GREGORY HULBERT

2 A. That is correct.

3 Q. Did you make a determination, while you were on
4 the phone during that pre-Sergeant Kohler
5 conversation, as to whether or not it was in fact
6 a trespass?

7 A. I just know that I didn't make a determination.

8 Q. Did you provide any advice to the person on the
9 telephone with respect to whether or not the
10 conduct of Mr. Lipton as it was described to you
11 constituted a trespass or not?

12 A. I believe I told them to investigate it and get a
13 statement from the Wrolsens.

14 Q. Did you mention the fact that Mr. Lipton had been
15 in your office sometime earlier that day?

16 A. I may have.

17 Q. Did you make any mention as to substance of the
18 conversations that you had?

19 A. Not with that individual.

20 Q. Did you have any conversations with any individual
21 on February 14th, 1999 concerning the substance of
22 your conversations with Mr. Lipton?

23 A. I don't believe so.

24 Q. Did you inform anyone from the police department,
25 after you learned that there was a trespass

1 GREGORY HULBERT

2 complaint made against Mr. Lipton by the Wrolsens,
3 about the anti-Semitic statements that you heard
4 from whom you believe to be Mr. Wrolsen?

5 MR. POSNER: Can repeat the first
6 part of that question.

7

8 (Question read)

9

10 MR. POSNER: Objection as to form.

11 MR. ISSEKS: I will withdraw the
12 question.

13 Q. After you heard that there was a trespass
14 complaint made against the Liptons by someone in
15 the Wrolsen family, did you inform anyone in the
16 police department that you had heard a tape
17 recording which contained statements by a person
18 who you believed to be Paula Wrolsen's father or a
19 member of the Wrolsen family, at any rate --

20 A. No.

21 Q. -- that were anti-Semitic in nature?

22 MR. POSNER: I'm going to object as
23 to form.

24 Q. You can answer.

25 A. No.

1 GREGORY HULBERT

2 Q. At the end of your conversation with Sergeant
3 Kohler, did you have an understanding as to what
4 action, if any, the Saugerties Police Department
5 was going to take with respect to the trespass
6 complaint against Mr. Lipton?

7 A. I believe Sergeant Kohler said that they were
8 going to arraign -- that Woodstock was going to
9 arraign him on the gun charges, and I believe I
10 suggested writing an appearance ticket for the
11 trespass.

12 Q. Did you understand, when you made that suggestion,
13 that on a trespass charge, a violation is not a
14 crime?

15 A. Yes.

16 Q. Did you make any inquiry up to that point or at
17 any time prior to that point as to what police
18 agency arrested Mr. Lipton on the trespass?

19 A. Woodstock, I believe.

20 Q. Did you ask how it came about that officers of the
21 Woodstock Police Department came to arrest Mr.
22 Lipton on the trespass charge?

23 A. No, I didn't inquire about anything.

24 Q. Who was it that informed you that this was an
25 arrest on the trespass charge?

1 GREGORY HULBERT

2 A. I believe Sergeant Kohler.

3 Q. When Sergeant Kohler informed you of that, did he
4 also tell you that not just Ron Lipton, but Brett
5 Lipton had been arrested on that charge?

6 A. I believe so.

7 Q. Did you at any time after learning about the
8 trespass arrest make inquiry as to why it was that
9 a Town of Woodstock police officer would arrest
10 the Liptons for a violation that occurred in the
11 Town of Saugerties?

12 A. No.

13 Q. As you sit here today, do you know why a Town of
14 Woodstock police officer made a Town of Saugerties
15 arrest on a violation?

16 A. I was under the assumption that they were arrested
17 for the shotgun charge, not the trespass
18 complaint.

19 Q. Did there come a time when you learned that
20 someone from the Town of Saugerties Police
21 Department radioed a transmission requesting the
22 Town of Woodstock Police Department to arrest the
23 Liptons on the trespass charge?

24 MR. POSNER: Objection as to form.

25 Q. You can answer.

1 GREGORY HULBERT

2 A. I do today, but not then.

3 Q. You didn't know then. When is the first time that
4 you learned that the Saugerties Police Department
5 asked the Woodstock Police Department to arrest
6 the Liptons on the trespass charge?

7 MR. POSNER: Objection as to form.

8 A. I don't know; days after that, I believe.

9 Q. Days after that?

10 A. Yes, I believe so.

11 Q. How did you learn of it?

12 A. Through a conversation maybe. I don't know.

13 Q. Do you know with whom you had that conversation?

14 A. No.

15 Q. By the way, was there a dispatcher working in the
16 afternoon of February 14th, 1999 at the Town of
17 Saugerties Police Department?

18 A. Yes.

19 Q. What was that dispatcher's name?

20 A. Anthony Cardarelli.

21 Q. Did you have any conversations with Anthony
22 Cardarelli concerning any transmissions to
23 Woodstock concerning the arrest of the Liptons?

24 A. I don't remember.

25 Q. On February 14th, 1999, had you received any

1 GREGORY HULBERT

2 information concerning the Liptons from any police
3 agency wherein the Liptons were described or
4 labeled as armed and dangerous?

5 A. Prior to the 14th?

6 Q. On the 14th.

7 A. No.

8 Q. Did you ever receive any information prior to, on,
9 or after February 14th to the effect that the
10 Liptons on February 14th might have been armed and
11 dangerous?

12 MR. POSNER: Objection as to form.

13 A. Only through that memo there and conversations
14 after the 14th.

15 Q. Did you have an opportunity to listen to a tape
16 recording of the radio transmission between
17 Saugerties and Woodstock concerning the arrest of
18 the Liptons?

19 A. Yes.

20 Q. Was that Anthony Cardarelli's voice on that tape
21 recording?

22 A. Yes.

23 Q. Did you ever make any inquiry of Anthony
24 Cardarelli as to why he stated in his radio
25 transmission to Woodstock that the Liptons may be

1 GREGORY HULBERT

2 armed and dangerous?

3 A. No.

4 Q. You never asked him what the source of his
5 information was?

6 A. No.

7 Q. Did you ever ascertain from anybody what the
8 source of such information might have been?

9 A. No.

10 Q. Do you know what the source of that description
11 was?

12 A. No.

13 Q. Did you ever ask Anthony Cardarelli why he asked
14 the Woodstock Police, in the radio transmission,
15 to arrest the Liptons for the trespass?

16 MR. POSNER: Objection as to form.

17 A. I don't know as he did; I don't know who told the
18 Woodstock Police Department.

19 Q. You listened to the tape recording of the radio
20 transmission; correct?

21 A. Yes.

22 Q. Do you recall, in that transmission, any requests
23 being made by Cardarelli to secure and then arrest
24 the Liptons?

25 MR. POSNER: Objection as to form.

1 GREGORY HULBERT

2 A. It may have been secure or keep or hold, but not
3 arrest.

4 Q. Did you ever have any conversations with
5 Cardarelli wherein you inquired as to why he made
6 such a request or requests?

7 A. No.

8 MR. ISSEKS: I would ask for the
9 production of all tapes of all transmissions to
10 the Woodstock Police Department on February 14th,
11 1999 concerning Ronald and/or Brett Lipton.

12 MR. D'AMELIA: I believe they have
13 been disclosed already.

14 MR. ISSEKS: If there are any others
15 that haven't been disclosed.

16 MR. D'AMELIA: Sure.

17 MR. ISSEKS: We got disclosures from
18 Mr. Posner's office. I presume we got them from
19 you folks although I don't know, but if you can
20 make sure that we have all of the tapes, I would
21 appreciate it.

22 MR. D'AMELIA: Sure. I would ask
23 that you put that in writing.

24

25 **COUNSEL REQUESTS INFORMATION TO BE SUPPLIED**

1 GREGORY HULBERT

2

3 Q. Did you have any communications with anyone from
4 the Wrolsen family concerning either Ronald or
5 Brett Lipton?

6 A. When?

7 Q. After they were arrested on February 14th, at any
8 time after that day or at any time thereafter?

9 A. I don't believe so. I don't remember whether I
10 did or not.

11 MR. ISSEKS: Let's take a short break.

12

13 (Break in the proceeding)

14

15 Q. Chief, do you know where Wrolsen Drive is?

16 A. Yes.

17 Q. Had you ever been to the Wrolsen residence on
18 Wrolsen Drive?

19 A. Yes.

20 Q. How far is the Wrolsen residence from the
21 Saugerties Police station?

22 A. Estimated, five miles.

23 Q. Did you ever learn as to whether the trespass
24 complaint was signed?

25 A. Later I found out that it was signed at the

1 GREGORY HULBERT

2 office.

3 Q. At the Saugerties Police station?

4 A. Yes.

5 Q. Were any officers dispatched to the Wrolsen
6 residence on February 14th?

7 A. I believe so.

8 Q. Do you know who dispatched them; would that be
9 Cardarelli?

10 A. Yes.

11 Q. To your understanding, was that based upon
12 information that Cardarelli received from the
13 Wrolsens?

14 A. I would assume so.

15 Q. Do you know if anyone contacted the Wrolsens
16 before the officers were dispatched to go to the
17 Wrolsen residence; anyone from the Saugerties
18 Police Department?

19 A. Not to my knowledge.

20 Q. Which officers were dispatched to the Wrolsen
21 residence?

22 A. I'm not sure; I think it was Officer Ryan or
23 Sergeant Kohler.

24 Q. Who made the determination that a complaint should
25 be signed against the Liptons?

1 GREGORY HULBERT

2 A. I believe Officer Ryan investigated it.

3 Q. Was a request made that Wrolsen come to the police
4 station to sign the complaint?

5 A. I don't know that.

6 Q. Do you know if there are any documents that would
7 reflect when the complaint against the Liptons for
8 trespass was signed?

9 A. Unless it's on the information, no.

10 Q. Would the officer who was dispatched to the
11 Wrolsens be required to keep a log as to his
12 activities on that day?

13 A. No.

14 Q. He would not?

15 A. No.

16 Q. So there wouldn't necessarily be a document
17 reflecting when that officer arrived at the
18 Wrolsens?

19 A. It may be on the dispatch sheet maybe that we
20 arrived, I don't know.

21 Q. I'm going to show you several sheets entitled
22 "Town of Saugerties Police Department Radio and
23 Telephone Daily Log" that was included in the
24 Saugerties Defendants' Response to Plaintiffs'
25 Demand for Production and ask you if these are the

1 GREGORY HULBERT

2 documents that you're referring to?

3 A. Yes.

4 Q. Is there anything in those radio logs that
5 reflects when the officers from Saugerties were
6 dispatched to the Wrolsen residence?

7 A. I believe the bottom line where it says "Time
8 received 17:09."

9 Q. That would be nine minutes after 5:00?

10 A. Yes, and then complainant name was Wrolsen, John,
11 the complaint number is 990715, unit number 787,
12 the time dispatched 17:00

1 GREGORY HULBERT

2 arrested?

3 A. Not that I know of.

4 Q. Going back to your meeting with Ron Lipton on the
5 14th, did Ron show you any police certificates of
6 his showing that he was a police officer?

7 A. No.

8 Q. Did anyone on February 14th inform you that Ron
9 Lipton was not a former police officer?

10 A. No.

11 Q. Did you at any time ever speak to Jim Wrolsen, as
12 Jim Wrolsen's chief, about the anti-Semitic
13 remarks that you heard on the tape purported to be
14 between Paula Wrolsen and Jim Wrolsen's father?

15 A. Not that I remember, no.

16 Q. Chief, at any time after February 14th, 1999, did
17 anyone ever tell you that Ron Lipton was not a
18 former police officer?

19 A. No, they said he wasn't retired from any place
20 that they know of.

21 Q. That he was not retired?

22 A. Yes.

23 Q. Who told you that?

24 A. I don't remember.

25 Q. Was it an officer in some police agency?

1 GREGORY HULBERT

2 A. Probably.

3 Q. But you have no recollection of who it was?

4 A. I think it was Officer Hansen.

5 Q. When was that?

6 A. I don't know. It was a couple days later or the
7 next day, I don't remember. It may have been the
8 next day when I called her.

9 Q. What was it that motivated you to call Officer
10 Hansen?

11 A. She left a message for me to call her.

12 Q. Did the message indicate why you should call her?

13 A. In regards to the Lipton case.

14 Q. When did you receive that message?

15 A. The next day.

16 Q. That would be the 15th of February?

17 A. Yes, or it may have been two days later. I don't
18 remember.

19 Q. What was said between you and Officer Hansen
20 during that phone conversation on the 15th?

21 A. She explained to me about Mr. Lipton as being a
22 target in an investigation down there and that
23 they had had some dealings -- I can't remember
24 exactly -- it was between Paula and Mr. Lipton --
25 about maybe an arrest pending, or there was an

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arrest, or he made -- basically that the guy may
be a dangerous man and to watch him.

MR. ISSEKS: I have no further
questions. Thank you.

(The Examination Before Trial of
GREGORY HULBERT concluded at 2:08 p.m.)
STATE OF NEW YORK
COUNTY OF _____

I have read the foregoing record of my
testimony taken at the time and place noted in the
heading hereof, and I do hereby acknowledge it to
be a true and correct transcript of same.

GREG HULBERT

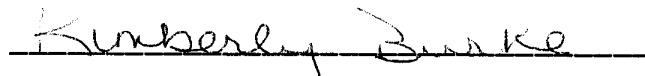
Sworn to before me this
_____ day of _____, 2002.

NOTARY PUBLIC

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C E R T I F I C A T I O N

I, KIMBERLY BURKE, a Court Reporter and
Notary Public in and for the State of New York, do
hereby certify that I recorded stenographically
the proceedings herein at the time and place noted
in the heading hereof, and that the foregoing is
an accurate and complete transcript of same, to
the best of my knowledge and belief.

A handwritten signature in cursive script, reading "Kimberly Burke", is written over a solid horizontal line.

KIMBERLY BURKE

Dated: November 4th, 2002

* * *

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Production of all tapes of all transmissions
to the Woodstock Police Department on February
14th, 1999 concerning Ronald and/or Brett
Lipton

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